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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

JOE ARROYO, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

TP-LINK USA CORPORATION, a
California corporation, and TP-LINK
TECHNOLOGIES CO., LTD., a Chinese
corporation,

Defendants.

Case No. 2:16-cv-01044-PA-KKx

**TP-LINK USA CORPORATION'S
REPLY IN SUPPORT OF ITS
OBJECTION TO APPLICATION
OF ARI SCHARG TO APPEAR
PRO HAC VICE [DKT. 119];
REQUEST FOR SANCTIONS**

[Filed concurrently with Second
Declaration of Timothy Fox and
Declaration of Harry Kim]

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MEMORANDUM OF POINTS AND AUTHORITIES

I. Introduction

Edelson PC (“Edelson”) has shown a clear and intentional disregard for the *pro hac vice* rules of this Court. However, instead of claiming confusion or a misunderstanding of the *pro hac vice* rules and asking for forgiveness, Edelson and Mr. Scharg actually boast that they have been using these improper tactics to procure fraudulent *pro hac vice* admissions for the past *six years*. Moreover, they childishly argue that they should not be punished for their wrongdoing because other people supposedly do it too.

Edelson’s response does not meaningfully dispute any of the facts put forward in TP-LINK USA Corporation’s (“TP-LINK USA”) Objection. To the contrary, Edelson, via its Response and two sworn declarations, paints an even more troubling picture of improper conduct before this and other courts than suspected and justifies the removal of Edelson from this case.

Local counsel Todd Logan is portrayed by Edelson’s representations on its website and court filings as living in California and working out of Edelson’s San Francisco office. However, Mr. Logan admits he ***does not reside in California***, has never resided in California since he was employed by Edelson, spends ***no time in Los Angeles***, and that no Edelson employees reside in Los Angeles or work out of its “virtual” office in Los Angeles. Despite living halfway across the country in Chicago, Mr. Logan is currently serving as “local” counsel for multiple attorneys in California, including a ***non-Edelson attorney*** seeking *pro hac vice* admission in this District.

Similarly, Mr. Scharg regularly and systematically engages in the unauthorized practice of law in California. Mr. Scharg admits that he has been admitted ***pro hac vice 28 times in California***. Moreover, Mr. Scharg’s purported “explanation” for his untimely filed *pro hac vice* application is not credible and

1 does not excuse the fact that he should have sought leave of Court for his late filing
2 in violation of this Court's Order.

3 Edelson and its attorneys have knowingly engaged in systematic and
4 improper *pro hac vice* conduct with this and numerous other courts. Edelson's
5 refusal to acknowledge the impropriety of their conduct confirms that, absent
6 strong sanctions, this conduct will only continue. Accordingly, TP-LINK USA
7 requests the Court disqualify Edelson from acting as counsel in this action and
8 issue monetary sanctions for the costs TP-LINK USA has incurred in bringing this
9 improper and pervasive conduct to the Court's attention.

10 **II. Argument**

11 **A. Edelson and Mr. Scharg Have Used "Virtual" Offices to Flout the Local** 12 **Counsel Requirement for at Least Six Years**

13 **1. The Local Rules Do Not Allow Local Counsel to Operate Out of** 14 **Virtual Offices in this District**

15 The Local Rules require that local counsel "maintains an office within the
16 District." L.R. 83-2.1.3.4. Edelson argues that all it takes to satisfy this requirement
17 is a location within the District that forwards mail and phone calls to an office in
18 San Francisco. Dkt. 140 ("Resp.") at 9:2-5; 9:21-22. Edelson's primary support for
19 this interpretation is that they have been using virtual offices to procure *pro hac*
20 *vice* admissions since 2010. Resp. at 9:17-19. Edelson's interpretation of the rules
21 is fallacious. Notably, Edelson does not mention that they have never pointed out
22 to the court or opposing counsel that they were using virtual offices. As such, the
23 mere fact that they have been doing something improperly for years does not
24 justify their conduct. Moreover, Edelson's interpretation of the requirement would
25 entirely eviscerate the purpose of the Local Rule.

26 *Moreno v. Autozone, Inc.*, No. 05-cv-04432-MJJ, 2007 WL 4287517, at *11
27 (N.D. Cal. Dec. 6, 2007) is directly on point here, holding that "[m]ere rented
28 office space lacks any of the indicia of office location." *Id.* (citing *Tolchin v.*

1 *Supreme Court Of New Jersey*, 111 F.3d 1099, 1107 (3d. Cir. 1997)). Edelson
 2 attempts, without success, to distinguish *Moreno* in two ways. Resp. at 8:20-9:5.
 3 First, Edelson argues that *Moreno* is a Northern District case. *Id.* However, this
 4 actually holds against Edelson as the Northern District's *pro hac vice* rules are
 5 more lax than this District's.¹ Second, Edelson attempts to differentiate itself by
 6 arguing that unlike the attorneys in *Moreno*, it maintains an office in San Francisco.
 7 Resp. at 8:20-9:5. However, this is a distinction without a difference, as the Central
 8 District specifically requires an office to be maintained *within the District* not just
 9 within the state as required by the Northern District. Compare L.R. 83-2.1.3.4 with
 10 N.D. Cal. Local Rule 11-3.

11 Realizing that *Moreno* holds against it, Edelson raises legal authority that is
 12 inapplicable and does not support its position. For example, Edelson cites to the
 13 California State Bar Standing Committee on Professional Responsibility and
 14 Conduct, Formal Opinion No. 2012-184 (2012) for the proposition that attorneys
 15 may maintain a virtual law office practice. Resp. at 9:11-16. But the Opinion says
 16 no such thing. To the contrary, the Opinion expressly states that it does not address
 17 questions of the unauthorized practice of law. *Id.* at n.5. Likewise, Edelson cites to
 18 articles related to the ABA's rules regarding multijurisdictional practice. Resp. at
 19 5:8-6:19. However, even assuming ABA articles could govern *pro hac vice*
 20 admissions in this District,² Edelson does not state it actually complies with these
 21 rules, only that it is "mindful of these rules." Resp. at 6:13.

22 _____
 23 ¹ Northern District of California Local Rule 11-3 requires that an attorney seeking *pro*
 24 *hac vice* admission designate as co-counsel an attorney "who maintains an office within
 25 the State of California," while Central District Local Rule 83-2.1.3.4 is more stringent
 26 and requires that only an attorney who "maintains an office within the District" may be
 27 designated as local counsel.

28 ² Rules governing admission to federal courts are independent of those that govern
 admission to practice in other courts. *In re Poole*, 222 F.3d 618, 620-22 (9th Cir. 2000)
 ("[A]s nearly a century of Supreme Court precedent makes clear, practice before federal
 courts is not governed by state court rules.").

1 To justify its wrongdoing, Edelson points the finger at multiple other firms it
 2 alleges are engaged in similar games with their *pro hac vice* applications in this
 3 District. But, attempting to incriminate others does not excuse Edelson's own
 4 conduct.³ Notably, in addition to the evidentiary problems with Mr. Scharg's
 5 Declaration, his conclusion is also fundamentally flawed as he puts forward no
 6 evidence that the firms listed in his Declaration do not actually maintain regular
 7 offices at the Regus Business Center.

8 In addition to providing virtual office functionality, the Regus Business
 9 Center also offers regular office space for rent. Second Declaration of Timothy Fox
 10 ("Second Fox Decl."), ¶ 6, Exh. D. In fact, Harry Kim, a partner at the law firm of
 11 Lee Anav Chung White & Kim LLP, previously rented and worked out of office
 12 space in the same building that was provided by Regent, which was later acquired
 13 by Regus. Mr. Kim attests that his firm did not have a virtual office, but rather
 14 rented a fully-functioning office space. Declaration of Harry Kim ¶¶ 2-4.

15 Edelson has established no reason why this Court should deviate from the
 16 holding reached by the Court in *Moreno*. A virtual office does not meet the
 17 requirements of the Local Rules for local counsel. Mr. Scharg's Application should
 18 be denied on this basis alone.

19 **2. Mr. Scharg Filed his *Pro Hac Vice* Application Knowing He Lacked** 20 **Proper Local Counsel**

21 Mr. Logan's sworn declaration eviscerates any argument that Edelson
 22 legitimately believed it had legitimate local counsel who had an office or
 23 performed work within this District. Mr. Logan confirms in his declaration that he
 24

25 ³ Edelson also tries to attack the credibility of the Fox Declaration in support of the
 26 opening Brief by asserting that his "table lists cases in which no Edelson attorney ever
 27 applied for *pro hac vice* admission." Resp. at fn. 6. Ignoring the fact that Edelson only
 28 lists five of the 97 cases listed in the Fox Declaration, Edelson's argument misses the
 mark because regardless of whether Edelson attorneys submitted *pro hac vice*
 applications in those matters, Edelson cannot deny its attorneys are listed as counsel in
 those matters.

lives in Chicago, does not spend time in Los Angeles, and that no one at Edelson works in Los Angeles. Dkt. 133-2, Declaration of Todd Logan (“Logan Decl.”), ¶¶ 5-6.⁴ Moreover, while Mr. Logan claims he works out of Edelson’s San Francisco office, he purposely omits how much time he spends in that office or even in California. *Id.*, ¶ 4.

Indeed, despite Mr. Logan’s complete lack of residency in California, he also regularly serves as “local” counsel for Edelson in the Northern District of California. Second Fox Decl., Exh. A. Even more troubling, Mr. Logan also serves as local counsel *for non-Edelson attorneys in this District*. *See id.* (Mr. Logan currently serves as local counsel for Stefan L. Coleman with the Law Offices of Stefan Coleman, LLC, an attorney who appears to reside in New Jersey).

Additionally, despite filing an appearance as local counsel in this action in January 2016, Mr. Logan was not so much as copied on a single email related to this case until March 23, 2016—three days *after* TP-LINK USA filed its objection to Mr. Scharg’s *pro hac vice* Application. Second Fox Decl., ¶ 3, Exh. B. It is clear that had TP-LINK USA never objected to Mr. Scharg’s Application, despite being designated as local counsel, Mr. Logan would never have participated in this action. This is not the role that local counsel is supposed to play. Even Edelson admits that local counsel must “participate in the representation.” Resp. at 6:11-12.

Apparently not understanding the incriminatory effect of Mr. Logan’s admissions, Edelson goes on to boast that it has gotten away with similar improper conduct using virtual offices and absent local counsel since at least 2010. Resp. at 9:17-19; Scharg Decl., ¶¶ 17-18. Edelson should not be permitted to continue the

⁴ Mr. Logan’s declaration was not filed with Mr. Scharg’s initial Response and Motion to Seal that were ultimately stricken [Dkts. 132, 135], and it is missing from the subsequently filed redacted and un-redacted versions of Mr. Scharg’s Response [Dkts. 136, 140]. The only place counsel for TP-LINK USA could locate Mr. Logan’s declaration was attached to the improperly filed redacted version of Edelson’s response. Dkt. 133-2.

1 use of virtual offices and non-resident local counsel as a means to bypass the rules
2 governing the definition of local counsel.

3 **B. Mr. Scharg Cannot Obtain *Pro Hac Vice* Admission as He Admits that**
4 **He Regularly Engages In the Practice of Law in California**

5 **1. Edelson and Mr. Scharg have Abused the Privilege of *Pro Hac Vice***
6 **Admission**

7 The phrase *pro hac vice* means: “For this occasion or particular purpose.”
8 *Curtis v. BCI Coca-Cola Enterprises Bottling Companies*, No. 13-cv-1939-AWI,
9 2014 WL 4417741, at *4 (E.D. Cal. Sept. 5, 2014) (citing Black’s Law Dictionary,
10 1331 (9th ed. 2009)). “It is of special importance that the Supreme Court has
11 described *pro hac vice* attorneys as ‘[o]ne-time or occasional practitioners’”
12 *Id.* (citing *Frazier v. Heebe*, 482 U.S. 641, 651 n.13 (1987)).

13 Here, Mr. Scharg and Edelson have ignored this limitation and intentionally
14 flouted the requirements of this and other court’s *pro hac vice* rules. Despite
15 acknowledging that his firm focuses on consumer technology class actions
16 primarily in Northern California, Mr. Scharg admits his firm waited until the end
17 of 2015 to finally open an office in California.⁵ Resp. at 6:21-25. Moreover,
18 despite this heavy California practice, Edelson currently *only has one* attorney
19 licensed to practice law in California. Second Fox Decl., ¶ 4. This attorney, Todd
20 Logan, is a first-year associate who is apparently leaving the firm later this year for
21 a clerkship in the Northern District. Logan Decl., ¶ 5.

22 These facts may explain why Edelson has needed to obtain *pro hac vice*
23 admissions *at least* 97 times and Mr. Scharg *at least* 28 times since 2009, but they
24
25

26 ⁵ A review of the cases filed by Edelson’s in California since 2009 shows no sudden
27 increase in filings or other reason to justify waiting until 2015 to open a San Francisco
28 office. To the contrary it appears the number of filings have decreased since 2011-2013.
See Dkt. 121-1, Exh. 1 (Exhibit 1 to Declaration of Timothy Fox in Support of TP-LINK
USA’s Objection to Ari Scharg’s *Pro Hac Vice* Application).

do not excuse such an abuse of the *pro hac vice* privilege.⁶ Far from using *pro hac vice* admission as the exception, Edelson appears to have used *pro hac vice* admissions as the rule. Moreover, this establishes that Mr. Scharg and his firm's improper *pro hac vice* conduct for the past six years has been intentional as Edelson has purposely built up a practice in California without any California-admitted attorneys.

2. All of Mr. Scharg's *Pro Hac Vice* Admissions in California Must Be Considered

In an attempt to distract from this inevitable conclusion, Mr. Scharg focuses on just the last three years of his *pro hac vice* admissions in this District, and ignores his other 27 admissions since 2009 and the 97 admissions of Edelson attorneys during this time. Resp. at 11:8-12:9. Mr. Scharg's attempt at misdirection fails for the simple reason that the Court must consider all admissions in California, not just those in this District in the past three years. L.R. 83-2.1.3.2 ("is regularly engaged in business, professional, or other similar *activities in California*") (emphasis added); *Prescia v. Long Island R. Co.*, No. 08-cv-3381-FB, 2008 WL 4596201, at *1 (E.D.N.Y., Oct. 14, 2008) (denying *pro hac vice* admission in part on an admission nine years prior). Notably, Mr. Scharg puts forward no legal authority for his arbitrary time and scope limitations. Resp. at 11:8-12:9.

However, even accepting Mr. Scharg's arbitrary three-year limitation, Mr. Scharg admits that during this time he was admitted *pro hac vice* in California seven times.⁷ Resp. at 12:13-15; Decl., ¶ 13, Exh. 1. This number of admissions is

⁶ It is almost certain that the number of admissions obtained by Edelson attorneys is higher as shown by the fact that TP-LINK USA's prior searches failed to catch 11 *pro hac vice* admissions of Mr. Scharg.

⁷ For the same reason Mr. Scharg's claim that he primarily practices law in the Midwest is irrelevant as it too is based on an artificial time period. Resp. at 12, n.7; Scharg Decl., ¶ 4. It is also curious that Mr. Scharg does not state his practice is primarily in Illinois, the one state in which he is actually admitted, but the Midwest in general. *Id.* It would not be surprising to find that Mr. Scharg is primarily using similar *pro hac vice* tactics to obtain admissions throughout the Midwest.

1 more than sufficient to show that Mr. Scharg is regularly engaged in business in
2 California. In *Guguni v. Chertoff*, No. 08-cv-1850-JL, 2008 WL 2080788, at *1
3 (N.D. Cal. May 14, 2008), the Northern District held that an attorney appearing in
4 *just five cases* over three years constituted being regularly engaged in the practice
5 of law in California. Other courts have held that even fewer *pro hac vice*
6 admissions were sufficient to find an attorney was regularly engaged in the
7 practice of law in the state. Obj. at 6, nn.7-9. For example, in *Prescia*, the Court
8 denied *pro hac vice* admission based on an attorney's three prior admissions over a
9 nine year span, noting that *pro hac vice* admissions could not be requested "on a
10 routine basis." *Prescia*, 2008 WL 4596201, at *1.

11 Edelson attempts to distinguish *Guguni* and the numerous other cases cited
12 in TP-LINK USA's Objection by arguing that the attorneys in each of these cases
13 also resided in the district for which they sought *pro hac vice* admissions. Resp. at
14 11:19-12:15. Edelson's purported distinction is irrelevant because in each of the
15 cases cited the courts also specifically held that the attorney was regularly engaged
16 in the practice of law due to his prior *pro hac vice* admissions. For example in
17 *Guguni*, while the attorney did reside in California, the court still found that his
18 five applications in less than three years was sufficient to find he *also* regularly
19 engaged in the practice of law. *Guguni*, 2008 WL 2080788, at *1 ("Mr. Wong in
20 his application failed to disclose that he resides in California *and regularly*
21 *practices law here.*") (emphasis added).

22 Likewise, in *Dupont Realty Corp. v. Evonik Degussa Corp.*, No. 09-cv-
23 1896-SLT, 2009 WL 1708757 (E.D.N.Y. June 17, 2009), despite noting that the
24 attorney resided in the district, the court also held that three admissions in three
25 and a half years *also* constituted being regularly engaged in the practice of law. *Id.*
26 at *1 ("Tyson regularly engages in the practice of law in this district"). The same
27 conclusion was reached by the courts in *Spirit Locker, Inc. v. Evo Direct, LLC*, No.
28

09-cv-1582-JG, 2009 WL 1449062, at *1 (E.D.N.Y. May 22, 2009) (attorneys resided in district *and* also were regularly engaged in practice of law) and *Pangborn v. Metlife, Inc.*, No. 09-cv-0976-DGT, 2009 WL 1617679, at *1 (E.D.N.Y. June 9, 2009) (same).

Mr. Scharg also argues that the large number of *pro hac vice* applications obtained by Edelson as a firm are irrelevant because *pro hac vice* admission applies to individuals, not law firms. Resp. at 10:22-11:7. Mr. Scharg's argument is wrong for the simple reason that Mr. Scharg's own Application shows that he was applying *pro hac vice* not for himself, but as an attorney of Edelson. Dkt. 119.

3. Edelson's Case Law Supports TP-LINK USA's Position

In closing, Mr. Scharg includes a citation to a single Central District case that he claims, without analysis, supports his position—*Krapf v. Nationwide Credit Inc.*, No. 09-cv-00711-JVS, 2010 WL 4261444 (C.D. Cal. Oct. 21, 2010). Resp. at 12:16-22. But, *Krapf* actually holds against Edelson on this matter.

In *Krapf*, following entry of summary judgment, the defendant objected to the fees requested by an out-of-state attorney who had performed consulting work on the case. *Krapf*, 2010 WL 4261444. The defendant argued that the attorney was regularly engaged in the practice of law in California and thus disqualified from fees as the attorney could not obtain *pro hac vice* admission before the court. *Id.* at *3. In rejecting the defendant's argument, the court noted that the attorney was involved in only a small number of appeals in California and thus not regularly engaged in business. *Id.* A review of the underlying declaration on which the court relied shows that the attorney had actually only ever been involved in three cases in California. Second Fox Decl., Exh. C (Second Declaration of Scott Cohen in Support of Plaintiff's Motion for Attorneys' Fees, ¶ 13). As such, if anything, *Krapf* actually holds against Mr. Scharg's position as he has been admitted *over nine times as often* as the attorney at-issue in *Krapf*.

1 The record and Mr. Scharg's own admissions make it readily apparent that
 2 Mr. Scharg and Edelson regularly engage in the practice of law in California.
 3 Accordingly, Mr. Scharg's Application should be denied.

4 **C. Mr. Scharg's Does Not Offer a Credible Explanation Why His *Pro Hac***
 5 ***Vice* Application Was Untimely and Incomplete**

6 As pointed out in TP-LINK USA's Objection, Mr. Scharg's *pro hac vice*
 7 Application was untimely and incomplete. Obj. at 6:15-7:3. In response, Mr.
 8 Scharg states that his Application was untimely due to events outside of his control
 9 and that his omission from his *pro hac vice* application was inadvertent. Resp. at
 10 13:1-20.

11 Mr. Scharg's explanation does not hold water for at least three reasons. First,
 12 Mr. Scharg fails to explain why the attorneys at his firm waited 28 days before
 13 finally filing a single *pro hac vice* application in this case. The Court ordered four
 14 Edelson attorneys, including Alexander Nguyen and Mr. Scharg, to file *pro hac*
 15 *vice* applications within 30 days of February 16, 2016—by March 17, 2016. Dkts.
 16 97, 99. Mr. Nguyen waited until March 15—two days before this deadline—to
 17 finally file his *pro hac vice* application, which was ultimately stricken by the
 18 Court. Dkts. 115, 118. As such, any claim by Mr. Scharg that his delay in filing his
 19 *pro hac vice* Application was caused by events outside of his control is simply not
 20 true. He purposely chose to delay seeking *pro hac vice* admission and he must bear
 21 the consequences for this risk.

22 Second, Mr. Scharg fails to explain why he waited until three days after the
 23 clerk noted the deficiencies in Mr. Nguyen's application to finally file his own *pro*
 24 *hac vice* application. When the clerk noted the deficiencies in Mr. Nguyen's *pro*
 25 *hac vice* application on March 15, 2016, Mr. Scharg should have known at that
 26 time or at least within 24 hours whether he would need to file his own application.
 27 Dkt. 116. Mr. Scharg fails to explain why he waited three days after he received
 28 this notice to finally file his own *pro hac vice* application. Moreover, Mr. Scharg

1 failed to seek leave of Court to file his untimely *pro hac vice* application—
2 apparently another attempt to skirt this Court’s Order.

3 Finally, Mr. Scharg fails to explain how his omission of his *pro hac vice*
4 admission in this District barely a month prior to his filing the current Application
5 was inadvertent or a clerical error. Mr. Scharg does not provide any details to
6 support his conclusion that this omission was not intentional. He does not indicate
7 who filled out his *pro hac vice* application or even indicate if he actually reviewed
8 it before signing it. Resp. at 13:1-20; Scharg Decl., ¶ 10. Without such explanation,
9 Mr. Scharg cannot argue his omission was inadvertent.

10 **D. Mr. Scharg’s Opposition Is Untimely**

11 The Court ordered Mr. Scharg to file any response to its Order to Show
12 Cause by April 4, 2016. Dkt. 126 at 2. Mr. Scharg did not do so. Rather Mr. Scharg
13 filed an improper Motion to Seal at 11:59 p.m. on April 4, 2016, which was
14 stricken by the Court. Dkts. 132, 135. On April 5, 2016, Mr. Scharg filed a
15 redacted version of his response and another motion to seal, and finally served an
16 un-redacted version of his response on TP-LINK USA. Dkts. 133, 136, 139, 141.
17 As such, no timely response was filed by Mr. Scharg on April 4, 2016 as ordered
18 by the Court.

19 As with his *pro hac vice* application, Mr. Scharg chose to wait until the
20 eleventh hour to try to file his Response and missed the deadline. Again, in taking
21 this risk, he must abide by the consequences of his choice. The Court should
22 disregard Mr. Scharg’s untimely Response.

23 **E. Mr. Scharg’s and Edelson’s *Pro Hac Vice* Conduct Was Intentional,**
24 **Requiring the Award of Sanctions**

25 Despite the above admissions, Mr. Scharg argues that neither he, nor any
26 Edelson attorney, has engaged in bad faith or willfully violated the Local Rules.
27 Resp. at 14:16-17. As discussed above, this is simply not true.

28

Moreover, Edelson, Mr. Scharg, and Mr. Logan's prior conduct in this action shows that Edelson attorneys purposely worked to trick the Northern District to grant improper *pro hac vice* admissions. To find this culpable conduct, the Court need look no further than the briefs filed in this action *after* Edelson opened its San Francisco Office on November 2, 2015. Scharg Decl., ¶ 7. Among the Edelson attorneys who reside in this office are Alicia Hwang and the managing partner of the firm, Rafey Balabanian.⁸ *Id.* However, knowing that the Northern District prohibited *pro hac vice* admissions of attorneys who resided within the state, Ms. Hwang and Mr. Balabanian both continued to represent to the Northern District court that they worked out of Edelson's Chicago office.⁹ It was not until March 2016, after Ms. Hwang and Mr. Balabanian had apparently sat for the California Bar, that they finally admitted to this Court that they actually worked out of Edelson's San Francisco office. *See* Dkt. 112 (caption listing Ms. Hwang, Mr. Logan, and Mr. Balabanian as residing in Edelson's San Francisco office). This conduct confirms that Edelson intentionally worked to deceive the Northern District in order to maintain their *pro hac vice* admissions.

Moreover, the present case is not an anomaly for Edelson. As discussed in TP-LINK USA's Objection and as admitted in Mr. Scharg's Declaration, Edelson attorneys have appeared numerous times *pro hac vice* throughout this state. They are well aware of the *pro hac vice* requirements, and apparently have discovered how to end-run these requirements in order to obtain improper *pro hac vice* admissions. And, even more troubling, have engaged in such conduct for at least the past six years according to Mr. Scharg.

⁸ Rafey Balabanian has been extensively involved in this action and is listed as the Managing Partner of the firm on Edelson's website. Second Fox Decl., ¶ 7, Exh. E.

⁹ None of Edelson's filings in the Northern District between November 2015 and February 2016 list Ms. Hwang or Mr. Balabanian at Edelson's San Francisco office, but rather list the Edelson's Chicago office. *See* Dkts. 54, 55, 56, 57, 58, 60, 66, 67, 68, 71, 77, 78, 80, 83, 85, 86, 87, and 92.

Edelson attorneys have repeatedly flaunted this Court's and other courts' *pro hac vice* requirements. Moreover, Edelson and Mr. Scharg show no remorse for their wrongful conduct. Nothing short of strong sanctions from this Court will teach them otherwise. Accordingly, TP-LINK USA requests the Court disqualify all Edelson attorneys as counsel in this matter and award monetary sanctions against Edelson and Mr. Scharg in the amount of \$5,850—which is the amount TP-LINK USA incurred in researching and drafting its objection and response. Second Fox Decl., ¶ 9, Exh. G.

F. TP-LINK USA Has Not Used Sanctions Threats Lightly in This Action

Edelson attempts to spin its conduct as being the fault of TP-LINK USA's purportedly over-zealous counsel. As the record shows, this is simply not true. Outside of this current request, TP-LINK USA has never formally sought sanctions against Plaintiff or his counsel. Edelson should not be allowed to distract from its own improper conduct by inventing conduct on the part of TP-LINK USA.

III. Conclusion

The facts in this matter are clear. Mr. Scharg and Edelson's conduct warrant an award of sanctions and removal from this case.

Dated: April 8, 2016

Respectfully submitted,

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